

**THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
CRIMINAL CASE NO. 1:07-cr-00033-MR-3**

UNITED STATES OF AMERICA,)
)
)
)
vs.) **O R D E R**
)
)
JEANNIE L. COSBY.)
_____)

THIS MATTER is before the Court on the Defendant’s “Motion to Correct Wrongful Sentencing Status” [Doc. 496].

In her motion, the Defendant moves the Court “to make the necessary correction in her file . . . to remove the statutory life sentence from her record.” [Doc. 496 at 1]. On June 13, 2007, the Defendant pled guilty pursuant to a written plea agreement to one count of conspiracy to possess with intent to distribute between 50 and 150 grams of cocaine base. Prior to sentencing, the Government filed a notice pursuant to 21 U.S.C. § 851 of the Defendant’s three prior felony drug convictions, which subjected her to a mandatory sentence of life imprisonment. [Doc. 95]. At her sentencing on October 31, 2007, the Defendant was found to be a career offender and sentenced pursuant to U.S.S.G. § 4B1.1. The Defendant, however, received a sentence below the mandatory statutory

minimum because the Government moved for a downward departure pursuant to U.S.S.G. §5K1.1 based on substantial assistance. [Doc. 176]. The Defendant was ultimately sentenced to 168 months' imprisonment. [Doc. 185].

The Judgment in this case accurately reflects the Defendant's sentence of 168 months' imprisonment. The Defendant's motion to correct her "wrongful sentencing status" is therefore denied.

IT IS, THEREFORE, ORDERED that the Defendant's "Motion to Correct Wrongful Sentencing Status" [Doc. 496] is **DENIED**.

IT IS SO ORDERED.

Signed: December 4, 2013



Martin Reidinger
United States District Judge

